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Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDERICK JOHN RIZZOLO,

Defendant.

CASE NO.: **2:14-cr-00232-GMN-NJK**

**STIPULATION FOR EXTENSION OF TIME
[FIRST REQUEST]**

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by and through Daniel G. Bogden, United States Attorney, and PHILLIP N. SMITH, Assistant United States Attorneys, and Defendant, FREDERICK RIZZOLO, by and through his attorneys, RICHARD E. TANASI of Tanasi Law Offices and SIGAL CHATTAH of Chattah Law Group, that the date for the Defendant to file his Reply to the Government's Response to Defendant's Motion to Dismiss [Doc. 77] be extended thirty (30) days from September 28, 2016.

This stipulation is entered into for the following reasons:

1. The Defendant's Motion was filed and served on December 1, 2015. Pursuant to eight prior stipulations between the parties, the Government's response deadline was continued to September 22, 2016. The Government timely filed its response. The Defendant's Reply is now due on, September 28, 2016.

2. During the filing of the eight previous stipulations to extend the Government's time to file a response to Defendant's Motion, the parties have engaged in conferences to

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discuss further outstanding issues and to make a further attempt at negotiating this case. If the parties are successfully able to negotiate the case, it would obviate the need for the Defendant to file a reply. As recently as September 27, 2016, the parties exchanged communications, which contained counter-offers in a further attempt to resolve this case.

3. The parties are requesting additional time to continue good faith negotiations. The trial in this matter is set for November 14, 2016.

4. Should negotiations fail, the defendant will request this Honorable Court to continue the trial, given the time and good faith efforts the parties have focused on negotiations.

5. The Defendant is not incarcerated, and he does not object to the continuance of his reply deadline, nor does he object to a trial continuance.

6. The additional time requested herein is not sought for the purposes of delay, but merely to allow the parties to have adequate time to attempt to negotiate the case, and to properly reply to the Government's response if the parties are not able to reach a resolution.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the reply deadline.

DATED this 27th day of September, 2016.

DANIEL G. BOGDEN
 United States Attorney

TANASI LAW OFFICES

/s/

/s/

PHILLIP N. SMITH, JR., ESQ.
 Assistant United States Attorney

RICHARD E. TANASI, ESQ.
 SIGAL CHATTAH, ESQ.
 Counsel for Defendant

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDERICK JOHN RIZZOLO,

Defendant.

CASE NO.: **2:14-cr-00232-GMN-NJK**

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on December 1, 2015. Pursuant to stipulations between the parties, the Government's response deadline was continued to September 22, 2016. The Government timely filed its response. The Defendant's Reply is now due on, September 28, 2016.

2. During the filing of the eight previous stipulations to extend the Government's time to file a response to Defendant's Motion, the parties have engaged conferences to discuss further outstanding issues and to make a further attempt at negotiating this case. If the parties are successfully able to negotiate the case, it would obviate the need for the Defendant to file a reply. As recently as September 27, 2016, the parties exchanged communications, which contained counter-offers in a further attempt to resolve this case.

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1 3. The parties are requesting additional time to continue good faith negotiations.
2 The trial in this matter is set for November 14, 2016.

3 4. Should negotiations fail, the defendant will most likely request this Honorable
4 Court to continue the trial, given the time and good faith efforts the parties have focused on
5 negotiations.

6 5. The Defendant is not incarcerated, and he does not object to the continuance of
7 his reply deadline, nor does he object to a trial continuance.

8 6. The additional time requested herein is not sought for the purposes of delay, but
9 merely to allow the parties to have adequate time to attempt to negotiate the case, and to
10 properly reply to the Government's response if the parties are not able to reach a resolution.

11 7. Additionally, denial of this request for continuance could result in a miscarriage
12 of justice.

13 For all of the above-stated reasons, the ends of justice would best be served by a
14 continuance of the reply deadline.

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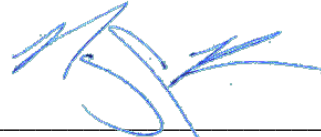
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ORDER

IT IS THEREFORE ORDERED, that the previously-scheduled reply deadline for the defendant to respond to the Government's Response to the Defendant's Motion to Dismiss [Doc. 77] is extended until _____ **October 28** ___, 2016.

DATED this **28th** day of September, 2016.



UNITED STATES MAGISTRATE JUDGE

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of September, 2016, the undersigned served the foregoing **STIPULATION AND ORDER** on all counsel of record herein by causing a true copy thereof to be filed with the Clerk of Court using the CM/ECF system, which was served via electronic transmission by the Clerk of Court pursuant to local order.

/s/ Richard Tanasi
An employee of TANASI LAW OFFICES